IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 12483 of 2007(J)

PETITIONER:

E. RAMACHANDRAN,
S/O. P. ACHUTHAN NAIR, (LATE),
AGED 52 YERS, TEACHER, A.L.P. SCHOOL,
VELLAMPURAM, P.O. KARAD,
VANIYAMBALAM, MALAPPURAM.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DISTRICT EDUCATIONAL OFFICER, WANDOOR, MALAPPURAM DISTRICT.

3. THE ASSISTANT EDUCATIONAL OFFICER, WANDOOR, MALAPPURAM DISTRICT.

4. THE MANAGER, A.L.P. SCHOOL, VALLAMPURAM, P.O. KARAD, VANIYAMBALAM, MALAPPURAM.

5. SMT. K.K. GIRIJA, HEADMISTRESS, A.L.P. SCHOOL, VELLAMPURAM P.O. KARAD, VANIYAMBALAM, MALAPPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.12483 OF 2007

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Dated this the 11th day of April, 2007

JUDGMENT

Aggrieved by the appointment of the fifth respondent as Headmaster, petitioner has preferred appeal under Rule 44(2) of Chapter XIVA KER before the AEO. The AEO by Ext.P11 order allowed the appeal. However the claim of the petitioner on the basis of the judgment of the Full Bench of this court is not considered stating that he is not a party. It is stated that it is open to him to proceed legally. Apparently the petitioner is aggrieved by the non-issuance of a direction to appoint him as Headmaster apart from the direction to allow the fifth respondent to attend to the day today functions of the School as teacher in charge.

2. Heard Government Pleader also. I do not think it necessary to issue notice to the respondents in view of the order I propose to pass.

Without expressing any view on the merits of the matter or regarding the maintainability of the appeal, which is filed under Rule 44(3), the writ petition is disposed of directing the second respondent

to consider and take a decision on Ext.P12 in accordance with law after affording an opportunity of hearing to the parties, if the appeal has been preferred in time, within a period of two months from the date of receipt of a copy of this judgment. I leave open the contentions of the petitioner.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.